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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,797	04/09/2004	Hiroyuki Shibaki	006453.P041	9095
8791 7590 10/29/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
MOTSINGER, SEAN T				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
10/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,797

Applicant(s)

SHIBAKI ET AL.

Examiner

SEAN MOTSINGER

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/12/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Applicants Arguments/Amendments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/16/2008 has been entered.
2. Applicant's arguments with respect to the prior art rejections with regard to Coleman have been considered but are moot in view of the new ground(s) of rejection.
3. Applicants arguments with respect to Nicholson have been fully considered but are not persuasive. Applicant argues merely argues that the limitation which was amended into the claim is found in the reference but the applicant does not specifically point out difference between the amended subject matter and Nicholson. The examiner disagrees with applicant for the reasons stated in the rejection below. Applicant further argues that the object and additional object are not linked. However these objects are clearly linked because the invisible object contains information specifically relevant to the visible object.

Rejections Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1,2 7, 9-15 rejected under 35 U.S.C. 102(b) as being anticipated by Nicholson et al US 2002/0067859.
5. Re claim 1 Nicholson discloses An image processing apparatus comprising: an image attribute determining unit to determine an image attribute of an image data (detect identifiable objects see abstract); an object dividing unit to divide the image data into a plurality of objects based on the image attribute (detect identifiable objects see abstract; and an object describing unit to describe the objects in predetermined formats (note the objects must be in some format) and convert the objects into a file of a predetermined file format (PDF paragraph 100), wherein the object describing unit describes an object having a predetermined image attribute (unrecognizable word label) paragraph 100) among the objects by associating an additional object (invisible text paragraph 100) representing information on the predetermined image attribute with the object (text paragraph 100) with the object having the predetermined image attribute, wherein the additional object includes an

object comprising an image pattern that indicates an additional object (text object paragraph 100), and an object that brings the image pattern into and invisible state(same color as background so that they are invisible paragraph 100).

6. Re claim 9 Nicholson discloses wherein the predetermined file format is a portable document format (paragraph 100.)
7. Re claim 10 claim 10 is the apparatus of claim 1 (see rejection for claim 1 further including a printer to print the document. Nicholson also discloses a printer (see paragraph 96)
8. Re claim 11, claim 11 is a computer program causing a computer to perform the method corresponding to the apparatus of claim 1(see rejection for claim 1.) Nicholson also uses a computer program (see paragraph 99)
9. Re claim 13 Nicholson discloses where a size of the additional object equals that of the object having the predetermined attribute (paragraph 100 note the invisible object is meant to cover the same area as the bitmap object.). Also see figure 12a element 318 (note element 318 shows the "invisible text" object linked to the un-encoded bitmap object (the word document) clearly the "invisible text" is the same size as the bitmap object corresponding to the word document.

10. Re claim 14 Nicholson discloses where a size of the additional object equals that of the object having the predetermined attribute (paragraph 100 note the invisible object is meant to cover the same area as the bitmap object.). Also see figure 12a element 318 (note element 318 shows the "invisible text" object linked to the un-encoded bitmap object (the word document) clearly the "invisible text" is the same size as the bitmap object corresponding to the word document.
11. Re claim 15 Nicolson discloses where a size of the additional object equals that of the object having the predetermined attribute (paragraph 100 note the invisible object is meant to cover the same area as the bitmap object.). Also see figure 12a element 318 (note element 318 shows the "invisible text" object linked to the un-encoded bitmap object (the word document) clearly the "invisible text" is the same size as the bitmap object corresponding to the word document.

Rejections under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3, 5-6, 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Coleman US 2003/0121007 in view of Nicholson et al US 2002/00678859.

13. Re claim 1 Coleman discloses An image processing apparatus comprising: an image attribute determining unit to determine an image attribute of an image data (see abstract object type); an object dividing unit to divide the image data into a plurality of objects (see abstract note the image is split into a plurality of objects) based on the image attribute (object type); and an object describing unit to describe the objects in predetermined formats (see paragraph 15 note the object must be described in some format) and convert the objects into a file of a predetermined file format (PDL file see paragraph 15), wherein the object describing unit describes an object having a predetermined image attribute among the objects by associating an additional object (object descriptor paragraph 15 paragraph 47) representing information on the predetermined image attribute (printer independent quality characteristic paragraph 15) with the object having the predetermined image attribute.
14. Nicholson discloses wherein the additional object includes an object comprising an image pattern that indicates an additional object (text object paragraph 100), and an object that brings the image pattern into and invisible state(same color as background so that they are invisible paragraph 100). The motivation to combine is to (conform to a preexisting standard e.g. portable document format see paragraph 100).

15. Re claim 2 Coleman further describes further comprising a data converting unit (printer control device paragraph 16) to convert the file of the predetermined file format into a print instruction for a printer (printer dependent imaging actions paragraph 16) and output the print instruction to the printer, wherein the data converting unit identifies the object having the predetermined image attribute based on the additional object (printer independent quality characteristics paragraph 16), and performs an image processing to the object based on the predetermined image attribute (color transforms halftoning... paragraph 25).
16. Re claim 3 Coleman further discloses wherein when the object is identified as an object having a text attribute (paragraph 33), the data converting unit performs a halftone processing with a higher sharpness to the object (sharp edges, and choice of halftone paragraph 33), compared with an object having another attribute than the text attribute.
17. Re claim 5 Coleman further discloses when the object is identified an object having a text (text paragraph 33) attribute with a white background, the data converting unit performs a halftone processing with a higher sharpness to the object (sharp edges paragraph 33), compared with an object having other attribute than the text attribute with the white background.

18. Re claim 6 Coleman further discloses wherein when the object is identified as an object having a text attribute with a color background, the data converting unit performs an identical halftone processing as that for the color background to the object (note set of printer independent characteristics can be chosen including all objects treated the same this would result in both color text and background being the same see paragraph 24).
19. Re claim 9 Nicholson discloses wherein the predetermined file format is a portable document format (paragraph 100.)
20. Re claim 10 claim 10 is the apparatus of claim 1 (see rejection for claim 1 further including a printer to print the document. Coleman also discloses a printer (see paragraph 16)
21. Re claim 11, claim 11 is a computer program causing a computer to perform the method corresponding to the apparatus of claim 1(see rejection for claim 1.) Coleman also uses a computer program (see paragraph 34).
22. Re claim 12 Claim 12 is a computer program causing a computer to perform the method corresponding to the apparatus of claim 2(see rejection for claim 2.) further comprising outputting to a printer. Coleman also uses a computer program (see paragraph 34) and outputs to a printer see paragraph 16.

23. Re claim 13 Nicholson discloses where a size of the additional object equals that of the object having the predetermined attribute (paragraph 100 note the invisible object is meant to cover the same area as the bitmap object.). Also see figure 12a element 318 (note element 318 shows the "invisible text" object linked to the un-encoded bitmap object (the word document) clearly the "invisible text" is the same size as the bitmap object corresponding to the word document.
24. Re claim 14 Nicholson discloses where a size of the additional object equals that of the object having the predetermined attribute (paragraph 100 note the invisible object is meant to cover the same area as the bitmap object.). Also see figure 12a element 318 (note element 318 shows the "invisible text" object linked to the un-encoded bitmap object (the word document) clearly the "invisible text" is the same size as the bitmap object corresponding to the word document.
25. Re claim 15 Nicholson discloses where a size of the additional object equals that of the object having the predetermined attribute (paragraph 100 note the invisible object is meant to cover the same area as the bitmap object.). Also see figure 12a element 318 (note element 318 shows the "invisible text" object linked to the un-encoded bitmap object (the word document) clearly the "invisible text" is the same size as the bitmap object corresponding to the word document.

26. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colman and Nicholson in view of Amedei US 6,176,566.
27. Re claim 4 Coleman discloses all of the elements in claim 2 Coleman does not disclose wherein when the object is identified as an object having a text attribute with an achromatic color, the data converting unit performs an image processing to enhance a black color in color correction and black color generation or an image processing to eliminate any remaining color of the object. Amedei discloses wherein when the object is identified as an object having a text attribute with an achromatic color (black and white text column 2 lines 10-20), the data converting unit performs an image processing to enhance a black color in color correction and black color generation or an image processing to eliminate any remaining color of the object (Removes color data column 2 lines 10-20) The motivation to combine is that the color is "undescribable" column 1 lines 44-50.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN MOTSINGER whose telephone number is (571)270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

Motsinger
10/24/2008